

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,) 8:02CR429
)
Plaintiff,)
)
vs.) ORDER
)
WILLIAM T. MONNIER,)
)
Defendant.)

This matter is before the court on William Monnier's motion to appoint counsel to represent him in his habeas corpus action under 28 U.S.C. § 2255, and motion to proceed in forma pauperis. Filing Nos. [229](#) and [230](#). The court finds both motions should be granted. Accordingly,

IT IS ORDERED:

1. Petitioner William Monnier's motion for appointment of counsel (Filing No. [230](#)) and motion for leave to proceed in forma pauperis (Filing Nos. [229](#)) are granted.
2. The Federal Public Defender for the District of Nebraska is hereby appointed to represent the defendant in connection with his Motion to Vacate Sentence and Conviction Pursuant to Title 28 U.S.C. § 2255. In the event that the Federal Public Defender accepts this appointment, the Federal Public Defender shall forthwith file a written appearance in this matter. In the event the Federal Public Defender should decline this appointment for reason of conflict or on the basis of the Criminal Justice Act Plan, the Federal Public Defender shall forthwith provide the court with a draft appointment order (CJA Form 20) bearing the name and other identifying information of the CJA Panel attorney identified in accordance with the Criminal Justice Act Plan for this district.

3. The defendant shall file a brief in support of the defendant's motion and in response to the government's answer on or before **March 30, 2009**. The government shall file its brief in response thereto within 30 days thereafter.

DATED this 3rd day of February, 2009.

BY THE COURT:

s/ Joseph F. Bataillon
United States District Judge